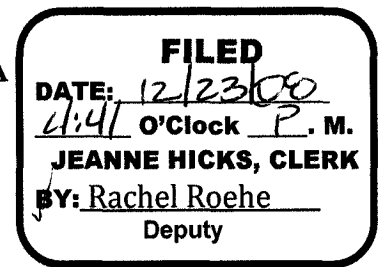


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION: 6

JEANNE HICKS, CLERK

HON. THOMAS B. LINDBERG

By: Rachel Roehe, Deputy Clerk

CASE NO. CR20081339

DATE: December 23, 2008

TITLE:

COUNSEL:

STATE OF ARIZONA
(Plaintiff)

Yavapai County Attorney
(For Plaintiff)

vs.

STEVEN CARROLL DEMOCKER
(D-1)

John Sears
(For Defendant)

HEARING ON:
Simpson Hearing

NATURE OF PROCEEDINGS

COURT REPORTER
Roxanne Tarn

START TIME: 8:59 a.m.

APPEARANCES: Steven Democker, Defendant (in custody)
Mark Ainley, Deputy County Attorney
John Sears, Counsel for the Defendant
Rich Robertson, Defense Investigator
John McDermott, State Investigator

The rule excluding witnesses is invoked.

John McDormett, Doug Brown and Steve Page are sworn.

John McDormett testifies.

Exhibit 2 is admitted into evidence without objection.

Exhibits 5, 6, 7 and 8 are admitted into evidence over objection by Defense Counsel.

Exhibits 9, 10, and 11 are admitted into evidence without objection.

Exhibit 12 is admitted into evidence without objection.

Exhibit 18 is admitted into evidence without objection.

Exhibit 23 is admitted into evidence without objection.

Exhibits 24, 25, 26, 27 and 28 are offered. Defense Counsel objects. The Court denies the admission of Exhibits 24 through 28 at this time.

Exhibits 29, 30, and 31 are admitted into evidence over objection by Defense Counsel.

The Court reconsiders its ruling regarding Exhibits 24 through 28. Exhibits 24, 25, 26, 27, and 28 are admitted into evidence over objection by Defense Counsel.

~*~*~*~*~ Recess – 9:31 a.m. ~*~*~*~*~

At 9:39 a.m., Court resumes with the presence of all parties previously present.

John McDormett resumes the witness stand and testifies further.

Exhibits 32 and 33 are admitted into evidence without objection.

Exhibits 34 through 43 are admitted into evidence without objection.

Exhibits 46, 47, 48 and 49 are admitted into evidence without objection.

Exhibit 66 is admitted into evidence without objection.

~*~*~*~*~ Recess – 10:51 a.m. ~*~*~*~*~

At 11:01 a.m., Court resumes with the presence of all parties previously present.

John McDormett resumes the witness stand and testifies further.

Exhibit 64 is admitted into evidence without objection.

Exhibit 67 is marked for identification. Exhibit 67 is admitted into evidence without objection.

Exhibits 57 and 58 are offered. Counsel for the State objects. The objection is sustained and the exhibits are not admitted at this time.

~*~*~*~*~ Recess – 12:03 p.m. ~*~*~*~*~

Exhibits 64a, 68 and 69 are marked for identification.

At 3:13 p.m., Court resumes with the presence of all parties previously present.

John McDormett resumes the witness stand and testifies further.

Exhibit 62 is admitted into evidence without objection.

Exhibit 61 is admitted into evidence without objection.

The witness is excused.

Steve Page, having been previously sworn, testifies.

Exhibit 51 is offered. Defense Counsel objects. Exhibit 51 is admitted into evidence over the objection.

Exhibit 52 is offered. Defense Counsel objects. Exhibit 52 is admitted into evidence over the objection.

Exhibit 53 is offered. Defense Counsel objects. Exhibit 53 is admitted into evidence over the objection.

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Exhibit 50 is offered. Defense Counsel objects. Exhibit 50 is admitted into evidence over the objection.

The witness is excused.

IT IS ORDERED setting a continuation of this hearing to commence at **11:00 a.m. tomorrow, December 24, 2008.**

END TIME: 4:41 p.m.

cc: VS (e+)
Division 6
YCSO
Osborn Maledon, PA (co-counsel)